

the base layer having the natural organic impalpable powder firmly adhered thereto.

23. The skin contacting article according to Claim 21, wherein the skin contacting article is a make-up tool for applying make-up.

REMARKS

Due to the numerous grammatical and idiomatic errors contained in the originally filed abstract and specification, Applicants are enclosing herewith a substitute abstract and specification including "clean" and "marked-up" copies. The undersigned hereby certifies, to the best of his knowledge and belief, that the enclosed substitute abstract and specification contain no new matter.

The Office Action indicates that the drawings have been objected to because of the reasons specified on the PTO Form 948. A PTO Form 948 was not enclosed with the Office Action but an attachment indicated that the drawings submitted with the application were declared informal by the Applicant so they have not been reviewed by a draftsman at this time. However, as shown by the attached transmittal letter for the originally filed application, formal drawings were filed and they were indicated as such on the transmittal letter. Therefore, the objection to the drawing is incorrect and should be withdrawn.

In response to the Examiner's rejection of Claims 1-11 under 35 USC 112, second paragraph, as being indefinite, Claims 1-11 have been canceled and replaced by newly presented Claims 12-23 which are cured of all of the formal defects noted by the Examiner and more particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Newly presented Claim 12 requires that the article comprise a base layer and natural organic impalpable

powder firmly adhered to a side of the base layer which contacts with the skin. Support for this amendment can be found on specification page 4, lines 21-23. No new matter has been added.

Claims 1-11 have been rejected under 35 USC 102(b) as being anticipated by Tanaka. Claims 1-11 have also been rejected under 35 USC 103(a) as being unpatentable over Tanaka. Applicants respectfully traverse this ground of rejection and urge reconsideration in light of the following comments.

The presently claimed invention is directed to a skin contacting article used in contact with the skin which comprises a base layer and natural organic impalpable powder firmly adhered to a side of the base layer which contacts with the skin. Due to the natural organic powder being provided in an impalpable form and being firmly adhered to the outer surface of the skin contacting article, it can be used as tissue paper, wet tissue, a mask, gauze, and sanitary articles such as disposable diapers, diaper liners and sanitary napkins. The skin contacting article may also be used as a make-up tool for applying make-up such as a puff, sponge, make-up brush and face mask. The skin contacting articles of the present invention have a superior texture and moisture inhalation. It is respectfully submitted that the prior art cited by the Examiner does not disclose the presently claimed invention.

The Tanaka reference discloses a solid oil/water-type cosmetic composition comprising a water-soluble solidifying agent selected from agar and gelatin, an oil component and water, and optionally, a powder or a water-soluble adhesive. This reference further discloses that any commonly used cosmetic powder can be used as the optional powder in an amount of from 1 to 40% in this invention. Although Tanaka discloses that the cosmetic composition of this reference can

be applied through the use of an applicator such as a sponge, there is no disclosure in this reference of the powder of the cosmetic composition being firmly adhered to a side of a base layer of the skin contacting article which contacts with the skin. At best, the cosmetic composition of Tanaka is loosely adhered to the applicator. As such, the subject matter of newly presented Claim 12 clearly is patentably distinguishable over this reference. Moreover, newly presented Claim 17 requires that the natural organic and palpable powder be firmly adhered to the base layer by a treatment and newly presented Claim 20 requires that the natural organic impalpable powder be firmly adhered to the base layer through a resin. These features of the presently claimed invention clearly are not shown by the Tanaka reference. As such, not only does Tanaka not anticipate the presently claimed invention under 35 USC 103, it does not even present a showing of prima facie obviousness under 35 USC 103(a).

Although the Examiner has not made a proper showing of prima facie obviousness under 35 USC 103, the Experiments and Comparison Experiments in the present specification present objective test data which are more than sufficient to patentably distinguish the presently claimed invention. In Table 1, Experiments 1-10 correspond to those of the present invention while in Table 2, the test results for Comparison Experiments 1, 2 and 4 are shown. As is readily apparent from these tables, the articles of the present invention had a superior moisture inhalation and touch or texture as compared to those of the prior art. This is clearly unexpected in light of the disclosure of Tanaka and firmly establishes the presently claimed invention thereover. The cosmetics of Tanaka applied to a puff would be of no commercial value and could not be permanently used with the cosmetics being firmly adhered thereto. The skin contacting articles of the present invention have a superior texture, even without the application of an additional agent, by firmly adhering the natural organic compound particles thereto. Therefore, it is

respectfully submitted that the presently claimed invention clearly is patentable over the prior art cited by the Examiner.

Reconsideration of the present application and the passing of it to issue is respectfully solicited.

Respectfully submitted,


Terryence F. Chapman

TFC/smd

FLYNN, THIEL, BOUTELL	Dale H. Thiel	Reg. No. 24 323
& TANIS, P.C.	David G. Boutell	Reg. No. 25 072
2026 Rambling Road	Ronald J. Tanis	Reg. No. 22 724
Kalamazoo, MI 49008-1699	Terryence F. Chapman	Reg. No. 32 549
Phone: (616) 381-1156	Mark L. Maki	Reg. No. 36 589
Fax: (616) 381-5465	David S. Goldenberg	Reg. No. 31 257
	Sidney B. Williams, Jr.	Reg. No. 24 949
	Liane L. Churney	Reg. No. 40 694
	Brian R. Tumm	Reg. No. 36 328

Encl: Marked-Up Copy of Substitute Specification and Abstract
Clean Copy of Substitute Specification and Abstract
Copy of Transmittal Letter
Postal Card

136.9803